



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,154	03/19/2004	Bruno Meyer	032553-041	6405

21839 7590 08/11/2004

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

PHAN, HAU VAN

ART UNIT PAPER NUMBER

3618

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,154

Applicant(s)

MEYER, BRUNO

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/19/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Abstract

1. The abstract of the disclosure is objected to because the phrase "is disclosed which" should be deleted. Correction is required. See MPEP § 608.01(b).

Specification

2. The specification is objected to because it needs to have a serial No. with respect to the status of the attorney docket No. 032553-040. Correction is required. See MPEP § 608.01(b).

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 3/19/2004 has been considered.

Claim Objections

5. Claim 14 is objected to because of the following informalities: "a seat a back rest" should be changed to – a seat, a back rest --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "a raising frame, a lifting frame" is not clear, whether a raising frame is the same as a lifting frame.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wier et al. (4,456,086).**

Wier et al. in figures 1-3, disclose an integrated wheelchair comprising a wheel frame (84), a raising frame (34) and a lifting device (68) for adjusting a height level of the raising frame both in sitting and a in standing position. The raising frame comprises a seat (42) and a back rest (44), wherein the lifting device extends from a front region of the wheel frame to a front region of the raising frame and is constructed to have tubular

frames (18) having upright frame members (22) being shown telescopically constructed to be adjustable in height that on a lifting operation the raising frame is moved both upward and forward.

Regarding claim 2, Wier et al. disclose a front edge of the seat, which is located at a distance from an axis around which the seat is rotated on raising.

Regarding claim 3, Wier et al. disclose the lifting device comprising on each side of the chair telescopic guide means (75).

Regarding claim 4, Wier et al. disclose the telescopic guide means having a forward inclination from bottom to top (as shown in figure 2).

Regarding claim 5, Wier et al. disclose the wheel frame, which is provided with a middle wheel drive (as shown in figure 1).

Regarding claim 6, Wier et al. disclose a knee restraint (46) and means to move the knee restraint forward when a raising motion of the raising frame takes place.

Regarding claim 7, Wier et al. disclose the knee restraint, which is located on a downward extending tilting lever (28), which is coupled to the raising frame.

Regarding claim 8, Wier et al. disclose the seat comprising a front pad and a back part.

Regarding claim 9, Wier et al. disclose the lifting device comprising on each side of the chair telescopic guide means (75).

Regarding claim 10, Wier et al. disclose the telescopic guide means having a forward inclination from bottom to top.

Regarding claim 11, Wier et al. disclose the wheel frame, which is provided with a middle wheel drive.

Regarding claim 12, Wier et al. disclose a knee restraint (46) and means to move the knee restraint forward when a raising motion of the raising frame takes place.

Regarding claim 13, Wier et al. disclose the knee restraint, which is located on a downward extending tilting lever (28), which is coupled to the raising frame.

Regarding claim 14, Wier et al. disclose an integrated wheelchair comprising a wheel frame (84), a raising frame (34), which is provided with a seat (42), a back rest (44), a foot rest (916) and a knee restraint (46). Wier et al. also disclose means (68) to move the knee restraint forward when a raising motion of the raising frame takes place.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Porcheron discloses an elevator chairs for handicapped and invalids.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan
Examiner
Art Unit 3618

Hau Phan

7/28/04

HAU PHAN
PATENT EXAMINER